

EXHIBIT A

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
	)	23A03502
v.	)	FILE NO.
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

SOUTHERN TANK TRANSPORT INC.,

40 TECHNOLOGY PKWY S, SUITE 300, NORCROSS, GA 30092

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
THE CORDELE FIRM, INC. • 5815 Live Oak Pkwy. | Suite A | Norcross, GA 30093
Phone: 770.807.0062 | Direct: 404.454.6454 | Fax: 678.823.8165
Email: cordele@cordelefirm.com

an ANSWER to the Complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of this action.).

Clerk of State Court

Date Summons Issued and Filed

This _____ day of 8/4/2023, 2023.

By: /s/ Monica Gay
Deputy Clerk

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
)	
v.	)	FILE NO. ^{23A03502}
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

COMPLAINT TO HOLD DEFENDANT ACCOUNTABLE FOR HARM CAUSED

COMES NOW, Plaintiff NATHANIEL BEH (hereinafter “Beh”), in the above-styled action and files this Complaint against Defendants BRUCE DEAN and SOUTHERN TANK TRANSPORT, INC., (hereinafter “Defendant Dean,” “Defendant Southern Tank,” or alternatively “Defendants” when referred to together), and shows as follows:

PRELIMINARY STATEMENT

This is a civil action brought by Plaintiff for injuries suffered on April 21, 2019, when a Toyota Corolla driven by Karina Marie Stegall collided with a Peterbilt while Nathaniel Beh was the front seat passenger. Stegall was driving on I-20 when her vehicle and the vehicle driven by Southern Tank Transport driver merged over into her lane.

Defendant Dean breached their legal duty when he performed an improper lane change while merging into the lane in which Plaintiff was travelling, colliding into the vehicle. Defendant Dean’s tortious acts that caused the collision that is the subject of this complaint is beyond reasonable dispute. Plaintiff suffered physical injuries that required medical care and sustained

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
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BY: Monica Gay

damages for which Defendant is liable. Beh alleges Southern Tank is responsible for the tortious actions of its employees, pursuant to O.C.G.A. § 51-2-2, and under the doctrine of respondeat superior which resulted in the injuries to Beh.

On August 3, 2021, final of disposition was issued Stegall in Dekalb County State Court regarding this collision, thus, this case is tolled pursuant to O.C.G.A. § 9-3-99.

SUBJECT MATTER JURISDICTION

1.

This Court has subject matter jurisdiction over this action under the authority of O.C.G.A. § 15-7-4, and pursuant to O.C.G.A. § 9-3-99.

PERSONAL JURISDICTION

2.

Pursuant to O.C.G.A. § 9-10-91(2) and Pennoyer v. Neff, 95 U.S. 714, 719 (1878), Defendant Dean, whose last known address is 5302 Roy Dr., Helena, AL 35080 is at all times relevant to this incident by operating a vehicle and committing a tort involving said vehicle in the State of Georgia. When service is made upon Defendants in the manner prescribed by O.C.G.A. § 40-12-2 or any Georgia law, Defendant shall be subject to the personal jurisdiction of this Court.

3.

Pursuant to O.C.G.A. § 9-10-91(2), Defendant Southern Tank is at all times relevant to this incident by operating a vehicle and committing a tort involving said vehicle in the State of Georgia. Southern Tank is also incorporated in the State of Georgia, who has a Registered Agent at Southern Tank Transport Inc., 40 Technology Pkwy S, Suite 300, Norcross, GA 30092. When service is made upon Defendants in the manner prescribed by O.C.G.A. § 40-12-2 or any Georgia law,

Defendant shall be subject to the personal jurisdiction of this Court.

VENUE

4.

Pursuant to O.C.G.A. § 40-12-3 venue is proper as to Defendants because DeKalb County is the county in which the cause of action originated.

THE OPERATIVE FACTS

5.

Upon information and belief Defendant Dean is a resident of the state of Alabama, who operates a tractor trailer for work through Georgia for Defendant Southern Tank.

6.

Defendant Southern Tank is a Foreign Profit Corporation, incorporated to do business in Georgia, who's registered agent is in Gwinnett County.

7.

On April 29, 2019, Plaintiff Beh was riding in the passenger seat of a vehicle travelling West on I-20, at the Panola Road exit.

8.

Defendant Dean was also operating his work vehicle owned by Defendant Southern Tank traveling in the same direction, west bound on I-20, to the left of the vehicle in which Beh was travelling. Dean was in the scope of this employment.

9.

Defendant failed to ascertain safety of movement prior to veering his vehicle into the lane

in which Beh was travelling.

10.

The impact of the collision was of such force that the vehicle in which Beh was travelling was pushed off of the road.

11.

Beh suffered injuries due to Defendants' tortious acts.

12.

Defendant is negligent per se for failure to maintain lane pursuant to O.C.G.A. § 40-6-48. Defendant Dean and Defendant Southern Tank are individually and/or on each other's behalf and/or by and through their duly authorized agents, administrators, servants, workmen, bailees, and/or employee, who are acting in the course and scope of their employment and in furtherance of Southern Tank's businesses and affairs.

13.

As a result of Defendants' tortious acts, Beh suffered physical injuries, and physical and emotional pain and suffering that required medical treatment and care, in addition to other special and general damages.

COUNT I

NEGLIGENCE OF DEFENDANTS

IN VIOLATION OF O.C.G.A. § 51-1-6 and O.C.G.A. § 40-6-48

14.

Plaintiff re-alleges and incorporates paragraphs 1 - 13 as if fully set forth herein.

15.

Defendants are liable to Plaintiff for the injuries and damages sustained as a result of

Defendants colliding into the side of the vehicle Beh was travelling in, causing Beh's injuries.

16.

Defendant Southern Tank is liable to Beh pursuant to O.C.G.A. § 51-2-4 because Defendant Dean is under the immediate direction and control of his employer, Defendant Southern Tank.

17.

Defendant Dean has a duty of care to operate his vehicle carefully.

18.

Defendant breached his duty when he crashed into the vehicle Beh was travelling in by failing to maintain his lane when travelling down the roadway.

19.

Defendant's act of colliding into Beh's vehicle was the direct and proximate cause of the Beh's injuries and consequent damages.

20.

Beh's injuries were foreseeable and the type of injuries the law was designed to protect from Defendant's breach of duty.

21.

Defendant is liable to Plaintiff as he is the direct and proximate cause of Plaintiff's physical injuries, general damages, and special damages by virtue of her negligent acts and omissions.

COUNT II

BATTERY OF DEFENDANT WHEN HE COLLIDED INTO NATHANIEL BEH'S VEHICLE PURSUANT TO O.C.G.A. § 51-1-13

22.

Plaintiff re-alleges and incorporates paragraphs 1 - 21 as if fully set forth herein.

23.

Defendant committed the tortious act of battery pursuant to O.C.G.A. § 51-1-13, when he collided into the vehicle in which Plaintiff Beh was travelling.

24.

Defendant's harmful contact was non-consensual by Beh.

25.

Beh's injuries were caused by Defendant's tortious acts.

26.

Defendant is liable to Beh for the injuries Defendant caused to Beh.

COUNT III

CLAIM OF DAMAGES FOR PERSONAL INJURY

27.

Plaintiff re-alleges and incorporates paragraphs 1 - 26 as if fully set forth herein.

28.

Defendant's negligence caused Plaintiff to suffer injuries to their entire body.

29.

Beh suffered personal injuries that required medical care and treatment.

30.

Beh received and incurred reasonable and necessary medical treatment and care for her injuries.

31.

Defendants are liable and accountable to Beh for his serious physical injuries, and physical and emotional pain and suffering.

32.

Defendants are liable and accountable for the reasonable and necessary medical expenses that Beh incurred to date.

33.

Plaintiff seeks damages in the amount of \$74,999.99.

COUNT IV

SPECIAL DAMAGES

34.

Plaintiffs re-alleges and incorporates paragraphs 1 - 32 as if fully set forth herein.

35.

Defendants' breach was a direct and proximate cause of injuries to Beh.

36.

Defendant is responsible for at least \$11,937.44 in medical and travel expenses as a result of the collision.

37.

Defendant is responsible for all travel related to the treatment of Beh' injuries as a result of the collision.

38.

Defendant is responsible for all special damages to be calculated that are derived as a result of the collision.

PRAYER FOR RELIEF

39.

Plaintiff herein incorporates paragraphs 1-38 as if fully set forth herein.

40.

Defendant caused Plaintiff unnecessary trouble and expense so as to justify Plaintiff's recovery of attorney's fees and expenses of litigation, pursuant to O.C.G.A. § 13-6-11.

41.

Defendant is responsible for all general damages and special damages as a result of each of their tortious acts against Plaintiff alleged in this Complaint.

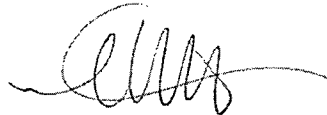
WHEREFORE Plaintiff prays for the following:

- a) That process and summons issue requiring Defendants to appear as provided by law and to answer the allegations of this Complaint;
- b) A trial by jury;
- c) Recovery for all damages pursuant to O.C.G.A. § 9-11-67.1;
- d) Recovery for all damages pursuant to Georgia Unliquidated Damages Interest Act codified at O.C.G.A. §51-12-14
- e) Recovery for all general damages of \$74,999.99;
- f) Recovery of compensatory special damages for Plaintiff's expenses incurred or lost due to Defendant's actions;

- g) Recovery for reasonable attorney fees and expenses of litigation;
- h) That all costs be cast against Defendant; and
- i) For such other relief as this Court deems just and appropriate.

This 3rd day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff Nathaniel Beh

5815 Live Oak Pkwy., Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone: 770.807.0062
Fax: 404.393.5900
Phone: 404.454.6454

STATE COURT OF
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IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

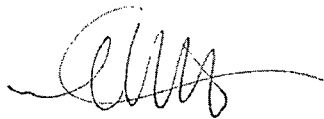
NATHANIEL BEH)	
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Plaintiff,)	CIVIL ACTION
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v.)	FILE NO. 23A03502
)	
BRUCE DEAN; AND)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

PLAINTIFF DEMAND FOR TRIAL BY A JURY OF TWELVE

NOW COMES Plaintiff NATHANIEL BEH, (hereinafter "Beh") in accordance with O.C.G.A. § 15-12-122, and demands a trial by a jury of 12 jurors selected as provided by law with respect to all issues in this action which are subject trial by a jury. Plaintiff makes this demand in writing prior to the commencement of the trial term and shows that the claim for damages in this action is greater than \$25,000.

This 3rd day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff

5815 Live Oak Pkwy.
Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone: 770.807.0062
Fax: 404.393.5900
Phone: 404.454.6454

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**IN THE STATE COURT OF DEKALB COUNTY
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This 3rd day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff

5815 Live Oak Pkwy.
Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone: 770.807.0062
Fax: 404.393.5900
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SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

BRUCE ALLEN DEAN,
5302 ROY DR, Helena, AL 35080

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
THE CORDELE FIRM, INC. • 5815 Live Oak Pkwy. | Suite A | Norcross, GA 30093
Phone: 770.807.0062 | Direct: 404.454.6454 | Fax: 678.823.8165
Email: cordele@cordelefirm.com

an **ANSWER** to the Complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of this action.).

Clerk of State Court

Date Summons Issued and Filed

8/4/2023

This _____ day of _____, 2023.

/s/ Monica Gay
By: _____
Deputy Clerk

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
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**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

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Defendant.)	
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SUMMONS

TO THE ABOVE NAMED DEFENDANT:
**SOUTHERN TANK TRANSPORT INC.,
40 TECHNOLOGY PKWY S, SUITE 300, NORCROSS, GA 30092**

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
THE CORDELE FIRM, INC. • 5815 Live Oak Pkwy. | Suite A | Norcross, GA 30093
Phone: 770.807.0062 | Direct: 404.454.6454 | Fax: 678.823.8165
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Clerk of State Court

Date Summons Issued and Filed

This _____ day of 8/4/2023, 2023.

By: /s/ Monica Gay
Deputy Clerk

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

General Civil and Domestic Relations Case Filing Information Form☐ Superior or ☐ State Court of _____ County**For Clerk Use Only**Date Filed 8/10/2023
MM-DD-YYYY

23A03502

Case Number _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐**Check One Case Type in One Box****General Civil Cases**

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Dissolution/Divorce/Separate Maintenance
☐ Family Violence Petition
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Modification
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

STATE COURT OF
DEKALB COUNTY, GA.

8/10/2023 2:05 PM

E-FILED
BY: Kelly M Johnson

Version 1.1.18

AFFIDAVIT OF SERVICE

State of Georgia

County of DeKalb

State Court

Case Number: 23A03502

Plaintiff: **NATHANIEL BEH**

vs.

Defendant: **SOUTHERN TANK TRANSPORT, INC.**

For:

M. Cordele Rolle
The Cordele Firm, Inc.
5815 Live Oak Pkwy.
Suite A
Norcross, GA 30093

Received by Ancillary Legal Corporation on the 8th day of August, 2023 at 6:10 pm to be served on **Southern Tank Transport Inc. c/o Corporation Service Company, 2 SUN COURT, Suite 400, Peachtree Corners, GA 30092.**

I, Christopher Todd Horton, being duly sworn, depose and say that on the **10th day of August, 2023 at 12:47 pm, I:**

served **Southern Tank Transport Inc. c/o Corporation Service Company** by delivering a true copy of the **Summons, Complaint to Hold Defendant Accountable for Harm Caused, Jury Demand** to: Corporation Service Company as **Registered Agent, BY LEAVING THE SAME WITH Alisha Smith as Authorized to Accept** at the address of: **2 SUN COURT, Suite 400, Peachtree Corners, GA 30092.**

Additional Information pertaining to this Service:

8/11/2023 9:29 am Perfected corporate service at 2 Sun Court Suite 400, Peachtree Corners, GA 30092, by serving Alisha Smith, CSC Coordinator.

Black female,

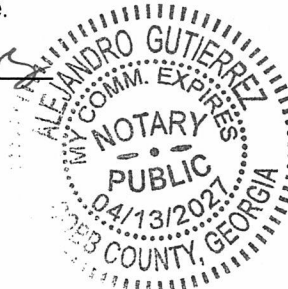
black hair,

40-45 years old ,
5'8", 150 lbs, no glasses.

I am an agent of Ancillary Legal Corporation and am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of this action and am not related to any of the parties. I am 18 or more years of age and am authorized to serve process.

Subscribed and Sworn to before me on the 11th
day of August, 2023 by the affiant
who is personally known to me.

Alexandro Gutierrez
NOTARY PUBLIC



Christopher Todd Horton
Process Server

Ancillary Legal Corporation
2900 Chamblee Tucker Road
Building 13
Atlanta, GA 30341
(404) 459-8006

Our Job Serial Number: ANC-2023008755
Ref: 21-00346-Beh

STATE COURT OF
DEKALB COUNTY, GA.
8/11/2023 2:22 PM
E-FILED
BY: Kelly M Johnson

FILED 12/29/2022 10:38 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

IN RE:

MOTION FOR APPOINTMENT AS
PERMANENT PROCESS SERVER

:
:
:
:

CIVIL ACTION FILE NUMBER:

PURSUANT TO O.C.G.A. §9-11-4(c)

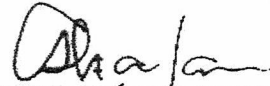
**ORDER APPOINTING PERMANENT PROCESS SERVER
FOR CALENDAR YEAR 2023**

The foregoing motion having been read and considered, it is HEREBY ORDERED that the following individual(s) is/are appointed as a permanent process server pursuant to O.C.G.A. §9-11-4(c):

Anthony Jackson	Dedrea Fazzio	Jerald Luster	Michael Harbuck
Ernesquesia Parker	Joyce Clemmons	Michael Rivers	Ericka McMillon
Lavern Williams	Margaret Ruddock	James Stiggers	Chiquita Jackson
Jean Nichols	Babette Cochran	Shirley Kirkland	Jason Garmon
Lathan Nichols	Travis Cline	Christopher Horton	Marc Perlson

This appointment shall be effective until midnight December 31, 2023.

IT IS SO ORDERED this 28th day of December 2022.



Honorable Asha F. Jackson
Chief and Administrative Judge
Superior Court of DeKalb County
Stone Mountain Judicial Circuit

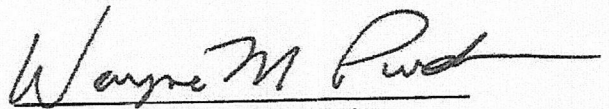
IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

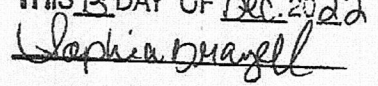
RE: Permanent Process Servers

STANDING ORDER

Pursuant to O.C.G.A. § 9-11-4 (e), this Court provides herein that any person who has completed the application process for appointment as a permanent process server in the Superior Court of DeKalb County in 2023, and has been appointed as a permanent process server in said Court for 2023 shall be deemed to be appointed as a permanent process server in the State Court of DeKalb County. Permanent process servers wishing to rely upon this order shall be required to attach a copy of their Superior Court order of appointment to any affidavit of service that is required to be filed with the Court. All appointments arising pursuant to this order shall be effective until midnight, December 31, 2023.

SO ORDERED, this 13 day of December 2022.

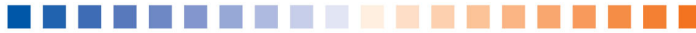

Wayne M. Purdom, Chief Judge

FILED IN THIS OFFICE
THIS 13TH DAY OF Dec. 2022

Clerk, State Court, DeKalb County

THE CORDELE FIRM, INC.

Attorneys at Law

Dedicated to the service of each client, one matter at a time.SM



5815 Live Oak Parkway | Suite A | Norcross, Georgia 30093 | Office: 770.807.0062 | Fax: 678.823.8165
www.CordeleFirm.com | cordele@cordelefirm.com

LEAVE OF ABSENCE IN ABOVE-REFERENCED STATE COURTS

Rule 16.1. Leaves for Thirty (30) Calendar Days or Less

To: All Judges, Clerk of Court, and Counsel of Record

From: M. Cordele Rolle, Esq.

RE: Notice of Leave of Absence

Date: **August 14, 2023**

COMES NOW, M. Cordele Rolle, and respectfully notifies all judges before whom he has cases pending, all affected Clerks of court, and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Court Rule 16.1.

1. The purpose of the leave is that I will not be in the State and/or will traveling internationally. The period of leave during which time I will be away from the practice of law, are the following:
 - a. August 26 – September 20, 2023 (Paternity Leave)
 - b. December 18, 2023 – January 8, 2024 (International Travel)
 - c. January 26, 2024 to February 16, 2024 (International Travel)
 - d. May 22 – May 30, 2024 (International Travel)
 - e. July 11 – 21, 2024 (International Travel)
2. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 14th day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.

A handwritten signature in blue ink, appearing to read 'M. Cordele Rolle'.

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff Smith

5815 Live Oak Pkwy.
Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone : 770.807.0062
Fax : 404.393.5900
Direct : 404.454.6454

THE CORDELE FIRM, INC.
M. Cordele Rolle
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Direct: (404) 454-6454
Fax: (678) 823-8165
Email: cordele@cordelefirm.com

EXHIBIT A

CASE	APPOINTED JUDGE	OPPOSING COUNSEL
Nathaniel Beh v. Bruce Dean and Southern Tank Transport, INC. Case No. 23A03502	The Honorable Ana Maria Martinez State Court of Dekalb County 556 N. McDonough Street | Decatur, Georgia 30030	No Opposing Counsel Yet.

THE CORDELE FIRM, INC.

Attorneys at Law

Dedicated to the service of each client, one matter at a time.SM



5815 Live Oak Parkway | Suite A | Norcross, Georgia 30093 | Office: 770.807.0062 | Fax: 678.823.8165
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IN THE STATE COURT OF DEKALB COUNTY STATE OF GEORGIA

NATHANIEL BEH,

Plaintiff,

v.

**BRUCE DEAN; AND
SOUTHERN TANK TRANSPORT, INC.**

Defendants.

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)
)
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)
)

CIVIL ACTION

FILE NO. 23A03502

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing **NOTICE OF LEAVE OF ABSENCE** upon all judges, clerks and opposing counsel listed on the attached Exhibit A, by depositing the same in the U.S. Mail with adequate postage affixed thereto:

This 14th day of August, 2023

M. Cordele Rolle

Bar No: 521133

THE CORDELE FIRM, INC.

5855 Live Oak Pkwy

Suite D

Norcross, GA 30093

Phone: 770.807.0062

Direct: 404.454.6454

Fax: 678.823.8165

Email: cordele@cordelefirm.com

STATE COURT OF
DEKALB COUNTY, GA.
8/14/2023 10:39 AM
E-FILED
BY: Kelly M Johnson

Control Number : SOP-23185734

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF ACKNOWLEDGEMENT

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify under the seal of my office that copies of legal documents regarding service of process upon:

Bruce Allen Dean

have been filed with the Secretary of State on 08/17/2023 pursuant to O.C.G.A. § 40-12-2 relating to the following matter:

Case: Nathaniel Beh v. Bruce Allen Dean

Court: State Court of Dekalb County

Civil Action No.: 23A03502

Witness my hand and official seal in the City of Atlanta
and the State of Georgia on 08/30/2023.



Brad Raffensperger

Brad Raffensperger

Secretary of State
DEKALB COUNTY, GA.

8/30/2023 2:15 PM

E-FILED

BY: Camille Boknight

SERVICE OF PROCESS

Electronically Filed

Secretary of State

Filing Date: 8/17/2023 10:39:39 AM

FILING INFORMATION

Filing Type : Service of Process

Control Number : SOP-23185734

DEFENDANT INFORMATION

The name of the business entity or individual (the “defendant”) for which the Secretary of State is being served as statutory agent is as follows:

Defendant Type : Individual

Defendant’s Name : Bruce Allen Dean

Defendant’s Address Where Service Attempted and/or Forwarded : 5302 Roy Dr., Helena, AL, 35080, USA

STATUTORY AUTHORITY

Service is being made on the Secretary of State pursuant to the following O.C.G.A. section:

O.C.G.A. § 40-12-2

CASE INFORMATION

The service of process filing relates to the following proceeding:

Name of Plaintiff : Nathaniel Beh

Style of Proceeding : Nathaniel Beh v. Bruce Dean and Southern Tank Transport, Inc.

Civil Action Number : 23A03502

Court : State Court of Dekalb County

SERVICE OF PROCESS DOCUMENTS

See attached document(s).

FILER’S INFORMATION

Filer Type : Business

Name : The Cordele Firm, Inc

Address : 5815 Live Oak Pkwy., Suite A, Norcross, GA, 30093, USA

AUTHORIZER INFORMATION

Authorizer Name : Kaila Richards

**OFFICE OF SECRETARY OF STATE
CORPORATIONS DIVISION**

2 Martin Luther King Jr. Dr.
Suite 313 West Tower
Atlanta, Georgia 30334
(404) 656-2817

**SERVICE OF PROCESS, NOTICE, OR DEMAND
ON THE SECRETARY OF STATE AS STATUTORY AGENT**

1. **Case Information.** The service of process being made relates to the following proceeding:

Style of Proceeding: _____

(e.g. name of the plaintiff vs. name of the defendant, or In the matter of..., etc.)

Civil Action No./File No.: _____

Court: _____

(The name of court the proceeding is pending in.)

2. **Statutory Authority.** Service is being made on the Secretary of State pursuant to the following Official Code of Georgia Annotated ("O.C.G.A.") section:

☐ O.C.G.A. § 9-11-4(e)(1)*

☐ O.C.G.A. § 14-8-46(i)*

☐ O.C.G.A. § 14-11-209(f)*

☐ O.C.G.A. § 14-2-1510(b)

☐ O.C.G.A. § 14-8-50(c)

☐ O.C.G.A. § 14-11-703(h)*

☐ O.C.G.A. § 14-2-1520(c)

☐ O.C.G.A. § 14-8-52(d)

☐ O.C.G.A. § 14-11-707(c)

☐ O.C.G.A. § 14-2-1531(d)

☐ O.C.G.A. § 14-9-104(g)*

☐ O.C.G.A. § 14-11-709(d)

☐ O.C.G.A. § 14-3-1510(b)

☐ O.C.G.A. § 14-9-902.1(i)*

☐ O.C.G.A. § 40-12-2*

☐ O.C.G.A. § 14-3-1520(c)

☐ O.C.G.A. § 14-9-906

☐ O.C.G.A. § 40-1-117

☐ O.C.G.A. § 14-3-1531(d)

☐ Other: O.C.G.A. _____

Note: Asterisk (*) denotes that a certified writing or affidavit is required.

3. **Defendant Information.** Pursuant to the foregoing statutory authority, the Secretary of State is being served as statutory agent for:

Name of Business Entity or Individual: _____

Business Entity Control Number (if applicable): _____

The registered agent's or defendant's address where service forwarded to or sheriff attempted service:

4. **Filer's Information.** Person requesting service and to whom the Certificate of Acknowledgment or rejection/deficiency notice is to be sent:

Name: _____

Address: _____

Email: _____

**PLAINTIFF'S AFFIDAVIT OF COMPLIANCE
FOR SERVICE OF PROCESS UPON NON-RESIDENT MOTORIST**

I, M. Cordele Rolle, the undersigned, am the attorney who represents the Plaintiff in the case of:

NATHANIEL BEH

vs.

DEFENDANTS BRUCE DEAN and SOUTHERN TANK TRANSPORT

**STATE COURT OF DEKALB COUNTY
CIVIL ACTION NO. 23A03502**

I do hereby certify that, in accordance with O.C.G.A. § 40-12-2, I have forwarded by registered or certified mail notice of service of the above case along with a copy of the Complaint and process to **Defendant BRUCE DEAN** at the following address:

Bruce Dean
5302 Roy Drive, Helena, AL 35080

I further certify that I SHALL FILE WITH THE APPROPRIATE COURT appended to the documents, regarding the case: (1) any return receipt received as evidence of service upon the Defendant by the Plaintiff; and (2) the Plaintiff's Affidavit of Compliance.

This 11th day of August, 2023.

THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff.

Phone: (770) 807-0062
Direct: (404) 454-6454
Fax: (404) 393-5900
5815 Live Oak Pkwy, Suite A
Norcross, GA 30093
Email: cordele@cordelefirm.com

Sworn to and subscribed before me this 11th day of August, 2023.



Shandrell C. Rolle, NOTARY PUBLIC
My Commission Expires: May 31, 2025

2966 626E 1000 0560 T202

U.S. Postal Service TM CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
Helena, AL 35084	
OFFICIAL USE	
Certified Mail Fee \$4.35	0801 07
\$	08/14/2023
Extra Services & Fees (check box, add fees as appropriate)	Postmark Here
<input type="checkbox"/> Return Receipt (hardcopy) \$	PINE LAKE, GA
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$1.83	
\$	
Total Postage and Fees \$9.73	
\$	
Sent To Bruce Allen Dean 5302 Roy Dr. Street and Apt. No., or PO Box No. Helena, AL 35080 City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
)	
v.	)	FILE NO. ²³ A03502
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

COMPLAINT TO HOLD DEFENDANT ACCOUNTABLE FOR HARM CAUSED

COMES NOW, Plaintiff NATHANIEL BEH (hereinafter “Beh”), in the above-styled action and files this Complaint against Defendants BRUCE DEAN and SOUTHERN TANK TRANSPORT, INC., (hereinafter “Defendant Dean,” “Defendant Southern Tank,” or alternatively “Defendants” when referred to together), and shows as follows:

PRELIMINARY STATEMENT

This is a civil action brought by Plaintiff for injuries suffered on April 21, 2019, when a Toyota Corolla driven by Karina Marie Stegall collided with a Peterbilt while Nathaniel Beh was the front seat passenger. Stegall was driving on I-20 when her vehicle and the vehicle driven by Southern Tank Transport driver merged over into her lane.

Defendant Dean breached their legal duty when he performed an improper lane change while merging into the lane in which Plaintiff was travelling, colliding into the vehicle. Defendant Dean’s tortious acts that caused the collision that is the subject of this complaint is beyond reasonable dispute. Plaintiff suffered physical injuries that required medical care and sustained

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

damages for which Defendant is liable. Beh alleges Southern Tank is responsible for the tortious actions of its employees, pursuant to O.C.G.A. § 51-2-2, and under the doctrine of respondeat superior which resulted in the injuries to Beh.

On August 3, 2021, final of disposition was issued Stegall in Dekalb County State Court regarding this collision, thus, this case is tolled pursuant to O.C.G.A. § 9-3-99.

SUBJECT MATTER JURISDICTION

1.

This Court has subject matter jurisdiction over this action under the authority of O.C.G.A. § 15-7-4, and pursuant to O.C.G.A. § 9-3-99.

PERSONAL JURISDICTION

2.

Pursuant to O.C.G.A. § 9-10-91(2) and Pennoyer v. Neff, 95 U.S. 714, 719 (1878), Defendant Dean, whose last known address is 5302 Roy Dr., Helena, AL 35080 is at all times relevant to this incident by operating a vehicle and committing a tort involving said vehicle in the State of Georgia. When service is made upon Defendants in the manner prescribed by O.C.G.A. § 40-12-2 or any Georgia law, Defendant shall be subject to the personal jurisdiction of this Court.

3.

Pursuant to O.C.G.A. § 9-10-91(2), Defendant Southern Tank is at all times relevant to this incident by operating a vehicle and committing a tort involving said vehicle in the State of Georgia. Southern Tank is also incorporated in the State of Georgia, who has a Registered Agent at Southern Tank Transport Inc., 40 Technology Pkwy S, Suite 300, Norcross, GA 30092. When service is made upon Defendants in the manner prescribed by O.C.G.A. § 40-12-2 or any Georgia law,

Defendant shall be subject to the personal jurisdiction of this Court.

VENUE

4.

Pursuant to O.C.G.A. § 40-12-3 venue is proper as to Defendants because DeKalb County is the county in which the cause of action originated.

THE OPERATIVE FACTS

5.

Upon information and belief Defendant Dean is a resident of the state of Alabama, who operates a tractor trailer for work through Georgia for Defendant Southern Tank.

6.

Defendant Southern Tank is a Foreign Profit Corporation, incorporated to do business in Georgia, who's registered agent is in Gwinnett County.

7.

On April 29, 2019, Plaintiff Beh was riding in the passenger seat of a vehicle travelling West on I-20, at the Panola Road exit.

8.

Defendant Dean was also operating his work vehicle owned by Defendant Southern Tank traveling in the same direction, west bound on I-20, to the left of the vehicle in which Beh was travelling. Dean was in the scope of this employment.

9.

Defendant failed to ascertain safety of movement prior to veering his vehicle into the lane

in which Beh was travelling.

10.

The impact of the collision was of such force that the vehicle in which Beh was travelling was pushed off of the road.

11.

Beh suffered injuries due to Defendants' tortious acts.

12.

Defendant is negligent per se for failure to maintain lane pursuant to O.C.G.A. § 40-6-48. Defendant Dean and Defendant Southern Tank are individually and/or on each other's behalf and/or by and through their duly authorized agents, administrators, servants, workmen, bailees, and/or employee, who are acting in the course and scope of their employment and in furtherance of Southern Tank's businesses and affairs.

13.

As a result of Defendants' tortious acts, Beh suffered physical injuries, and physical and emotional pain and suffering that required medical treatment and care, in addition to other special and general damages.

COUNT I

NEGLIGENCE OF DEFENDANTS

IN VIOLATION OF O.C.G.A. § 51-1-6 and O.C.G.A. § 40-6-48

14.

Plaintiff re-alleges and incorporates paragraphs 1 - 13 as if fully set forth herein.

15.

Defendants are liable to Plaintiff for the injuries and damages sustained as a result of

Defendants colliding into the side of the vehicle Beh was travelling in, causing Beh's injuries.

16.

Defendant Southern Tank is liable to Beh pursuant to O.C.G.A. § 51-2-4 because Defendant Dean is under the immediate direction and control of his employer, Defendant Southern Tank.

17.

Defendant Dean has a duty of care to operate his vehicle carefully.

18.

Defendant breached his duty when he crashed into the vehicle Beh was travelling in by failing to maintain his lane when travelling down the roadway.

19.

Defendant's act of colliding into Beh's vehicle was the direct and proximate cause of the Beh's injuries and consequent damages.

20.

Beh's injuries were foreseeable and the type of injuries the law was designed to protect from Defendant's breach of duty.

21.

Defendant is liable to Plaintiff as he is the direct and proximate cause of Plaintiff's physical injuries, general damages, and special damages by virtue of her negligent acts and omissions.

COUNT II

BATTERY OF DEFENDANT WHEN HE COLLIDED INTO NATHANIEL BEH'S

VEHICLE PURSUANT TO O.C.G.A. § 51-1-13

22.

Plaintiff re-alleges and incorporates paragraphs 1 - 21 as if fully set forth herein.

23.

Defendant committed the tortious act of battery pursuant to O.C.G.A. § 51-1-13, when he collided into the vehicle in which Plaintiff Beh was travelling.

24.

Defendant's harmful contact was non-consensual by Beh.

25.

Beh's injuries were caused by Defendant's tortious acts.

26.

Defendant is liable to Beh for the injuries Defendant caused to Beh.

COUNT III

CLAIM OF DAMAGES FOR PERSONAL INJURY

27.

Plaintiff re-alleges and incorporates paragraphs 1 - 26 as if fully set forth herein.

28.

Defendant's negligence caused Plaintiff to suffer injuries to their entire body.

29.

Beh suffered personal injuries that required medical care and treatment.

30.

Beh received and incurred reasonable and necessary medical treatment and care for her injuries.

31.

Defendants are liable and accountable to Beh for his serious physical injuries, and physical and emotional pain and suffering.

32.

Defendants are liable and accountable for the reasonable and necessary medical expenses that Beh incurred to date.

33.

Plaintiff seeks damages in the amount of \$74,999.99.

COUNT IV

SPECIAL DAMAGES

34.

Plaintiffs re-alleges and incorporates paragraphs 1 - 32 as if fully set forth herein.

35.

Defendants' breach was a direct and proximate cause of injuries to Beh.

36.

Defendant is responsible for at least \$11,937.44 in medical and travel expenses as a result of the collision.

37.

Defendant is responsible for all travel related to the treatment of Beh' injuries as a result of the collision.

38.

Defendant is responsible for all special damages to be calculated that are derived as a result of the collision.

PRAYER FOR RELIEF

39.

Plaintiff herein incorporates paragraphs 1-38 as if fully set forth herein.

40.

Defendant caused Plaintiff unnecessary trouble and expense so as to justify Plaintiff's recovery of attorney's fees and expenses of litigation, pursuant to O.C.G.A. § 13-6-11.

41.

Defendant is responsible for all general damages and special damages as a result of each of their tortious acts against Plaintiff alleged in this Complaint.

WHEREFORE Plaintiff prays for the following:

- a) That process and summons issue requiring Defendants to appear as provided by law and to answer the allegations of this Complaint;
- b) A trial by jury;
- c) Recovery for all damages pursuant to O.C.G.A. § 9-11-67.1;
- d) Recovery for all damages pursuant to Georgia Unliquidated Damages Interest Act codified at O.C.G.A. §51-12-14
- e) Recovery for all general damages of \$74,999.99;
- f) Recovery of compensatory special damages for Plaintiff's expenses incurred or lost due to Defendant's actions;

- g) Recovery for reasonable attorney fees and expenses of litigation;
- h) That all costs be cast against Defendant; and
- i) For such other relief as this Court deems just and appropriate.

This 3rd day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff Nathaniel Beh

5815 Live Oak Pkwy., Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone: 770.807.0062
Fax: 404.393.5900
Phone: 404.454.6454

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

General Civil and Domestic Relations Case Filing Information Form☐ Superior or ☐ State Court of _____ County**For Clerk Use Only**Date Filed 8/10/2023
MM-DD-YYYY

23A03502

Case Number _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐**Check One Case Type in One Box****General Civil Cases**

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Dissolution/Divorce/Separate Maintenance
☐ Family Violence Petition
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Modification
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

STATE COURT OF
DEKALB COUNTY, GA.

8/10/2023 2:05 PM

E-FILED

Version 1.1.18
BY: Kelly M Johnson

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
)	
v.	)	FILE NO. 23A03502
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

PLAINTIFF DEMAND FOR TRIAL BY A JURY OF TWELVE

NOW COMES Plaintiff NATHANIEL BEH, (hereinafter “Beh”) in accordance with O.C.G.A. § 15-12-122, and demands a trial by a jury of 12 jurors selected as provided by law with respect to all issues in this action which are subject trial by a jury. Plaintiff makes this demand in writing prior to the commencement of the trial term and shows that the claim for damages in this action is greater than \$25,000.

This 3rd day of August, 2023.

Respectfully submitted,
THE CORDELE FIRM, INC.



M. Cordele Rolle, Esq.
Georgia Bar No. 521133
Attorney for Plaintiff

5815 Live Oak Pkwy.
Suite A
Norcross, GA 30093
cordele@cordelefirm.com
Phone: 770.807.0062
Fax: 404.393.5900
Phone: 404.454.6454

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
	)	23A03502
v.	)	FILE NO.
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

BRUCE ALLEN DEAN,
5302 ROY DR, Helena, AL 35080

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
THE CORDELE FIRM, INC. • 5815 Live Oak Pkwy. | Suite A | Norcross, GA 30093
Phone: 770.807.0062 | Direct: 404.454.6454 | Fax: 678.823.8165
Email: cordele@cordelefirm.com

an **ANSWER** to the Complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of this action.).

Clerk of State Court

Date Summons Issued and Filed

8/4/2023

This _____ day of _____, 2023.

/s/ Monica Gay
By: _____
Deputy Clerk

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH)	
)	
Plaintiff,	)	CIVIL ACTION
	)	23A03502
v.	)	FILE NO.
)	
BRUCE DEAN; AND	)	JURY TRIAL DEMANDED
SOUTHERN TANK TRANSPORT, INC.)	
)	
Defendant.)	
_____)	

SUMMONS

TO THE ABOVE NAMED DEFENDANT:
**SOUTHERN TANK TRANSPORT INC.,
40 TECHNOLOGY PKWY S, SUITE 300, NORCROSS, GA 30092**

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

M. Cordele Rolle, Esq.
Georgia Bar No. 521133
THE CORDELE FIRM, INC. • 5815 Live Oak Pkwy. | Suite A | Norcross, GA 30093
Phone: 770.807.0062 | Direct: 404.454.6454 | Fax: 678.823.8165
Email: cordele@cordelefirm.com

an **ANSWER** to the Complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of this action.).

Clerk of State Court

Date Summons Issued and Filed

This _____ day of 8/4/2023, 2023.

/s/ Monica Gay
By: _____
Deputy Clerk

STATE COURT OF
DEKALB COUNTY, GA.
8/3/2023 10:33 PM
E-FILED
BY: Monica Gay

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NATHANIEL BEH,)	
)	
Plaintiff,)	
)	
v.	)	CIVIL ACTION
	)	FILE NO. 23A03502
BRUCE DEAN and)	
SOUTHERN TANK TRANSPORT, INC.,)	
)	
Defendants.)	

**DEFENDANT SOUTHERN TANK TRANSPORT, INC.'S ANSWER
TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendant SOUTHERN TANK TRANSPORT, INC. ("Southern Tank"), by and through the undersigned attorneys, and files its Answer to Plaintiff's Complaint to Hold Defendant Accountable for Harm Caused (the "Complaint"), as follows:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted and should be dismissed.

SECOND DEFENSE

Plaintiff's claim is barred by the applicable statute of limitations.

THIRD DEFENSE

Southern Tank is not liable to Plaintiff because Southern Tank did not breach any duty owed to Plaintiff with respect to the accident that forms the basis of the Complaint.

FOURTH DEFENSE

At all times subject hereto, Southern Tank exercised the degree of care and skill required by law, and therefore, Southern Tank is not liable to Plaintiff in any amount whatsoever.

FIFTH DEFENSE

Southern Tank denies that it was in any way negligent with respect to the accident that forms the basis of the Complaint.

SIXTH DEFENSE

Any injuries or damages which Plaintiff may have sustained were not proximately caused by any act or omission of Southern Tank or any person for whose actions Southern Tank is legally liable, and therefore, Plaintiff is not entitled to recover against Southern Tank.

SEVENTH DEFENSE

Any injuries or damages which Plaintiff may have sustained were the direct and proximate result of an act or omission of someone other than Southern Tank.

EIGHTH DEFENSE

Any injuries or damages which Plaintiff may have sustained were the direct and proximate result of an act or omission of an entity or individual who is a necessary and/or indispensable party.

NINTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of laches, waiver, unclean hands, and/or estoppel.

TENTH DEFENSE

If the evidence shows that Plaintiff was negligent in bringing about the injuries and damages set forth in the Complaint and Plaintiff's negligence was equal to or greater than any negligence on behalf of the defendants, then Plaintiff is not entitled to damages.

ELEVENTH DEFENSE

If the evidence shows that Plaintiff was negligent in bringing about the injuries and damages set forth in the Complaint, but Plaintiff's negligence was less than any negligence found

on behalf of the defendants, then any award of damages to Plaintiff should be reduced to the extent of Plaintiff's own negligence.

TWELFTH DEFENSE

To the extent that Plaintiff failed to mitigate his damages, if any, Plaintiff's damages should be reduced to the extent of his failure to mitigate.

THIRTEENTH DEFENSE

Plaintiff's alleged damages include medical expenses unrelated to the accident that forms the basis of the Complaint.

FOURTEENTH DEFENSE

Plaintiff's alleged damages include medical expenses which are neither reasonable nor necessary.

FIFTEENTH DEFENSE

Plaintiff's alleged damages are too remote, speculative, and/or non-existent to be recoverable.

SIXTEENTH DEFENSE

Plaintiff failed to plead his special damages with specificity as required by law pursuant to O.C.G.A. § 9-11-9(g).

SEVENTEENTH DEFENSE

With respect to Plaintiff's demand for punitive damages, Southern Tank affirmatively pleads the following:

- (a) An award of punitive damages in this civil action would amount to a deprivation of property without due process of law in violation of the Fifth and Fourteenth

Amendments to the United States Constitution and the corresponding provisions of the Georgia Constitution;

- (b) An award of punitive damages in this civil action would violate the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Georgia Constitution;
- (c) The criteria used for determining whether and in what amount punitive damages may be awarded are impermissible, vague, imprecise, and inconsistent and, therefore, violate the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Georgia Constitution;
- (d) An award of punitive damages in this civil action would amount to an excessive fine in violation of the Eighth Amendment to the United States Constitution and the corresponding provisions of the Georgia Constitution; and
- (e) Plaintiff's claim for punitive damages is barred by the "double jeopardy" clause of the Fifth Amendment to the United States Constitution, as applied to the states through the Fourteenth Amendment.

EIGHTEENTH DEFENSE

Southern Tank hereby specifically retains, and denies any waiver of, any and all affirmative defenses available to it that become evident during the course of discovery.

NINETEENTH DEFENSE

Southern Tank reserves the right to assert any and all additional defenses that arise during the course of this litigation and reserves the right to amend this Answer to assert such defenses.

TWENTIETH DEFENSE

Subject to and without waiving the above defenses, Southern Tank responds to the individually numbered paragraphs of the Complaint as follows:

PRELIMINARY STATEMENT

Southern Tank denies the allegations in the unnumbered “PRELIMINARY STATEMENT” paragraphs in the Complaint, as pled.

SUBJECT MATTER JURISDICTION

1.

In response to the allegations in Paragraph 1 of the Complaint, Southern Tank admits that the Court has subject matter jurisdiction over this action. Southern Tank denies that O.C.G.A. § 9-3-99 applied to toll the applicable statute of limitations.

PERSONAL JURISDICTION

2.

In response to the allegations in Paragraph 2 of the Complaint, Southern Tank admits that Bruce Dean was the driver of a vehicle involved in the subject accident; that Mr. Dean’s address is 5302 Roy Dr., Helena, AL 35080; and that, if Plaintiff properly serves Mr. Dean, the Court may properly exercise personal jurisdiction over him. Southern Tank denies the remaining allegations in Paragraph 2 of the Complaint.

3.

In response to the allegations in Paragraph 3 of the Complaint, Southern Tank admits that it is subject to the jurisdiction of this Court. Southern Tank denies the remaining allegations in Paragraph 3 of the Complaint.

VENUE

4.

Southern Tank admits the allegations in Paragraph 4 of the Complaint.

THE OPERATIVE FACTS

5.

In response to the allegations in Paragraph 5 of the Complaint, Southern Tank admits that Bruce Dean is a resident of the State of Alabama. Southern Tank denies that it presently employs Mr. Dean.

6.

In response to the allegations in Paragraph 6 of the Complaint, Southern Tank denies that it is organized under the laws of the State of Georgia. By way of further response, Southern Tank states that it is organized under the laws of the State of South Carolina. Southern Tank admits the remaining allegations in Paragraph 6 of the Complaint.

7.

In response to the allegations in Paragraph 7 of the Complaint, Southern Tank denies that the subject accident occurred on April 29, 2019. By way of further response, Southern Tank states that, upon information and belief, the accident occurred on April 21, 2019. Upon reasonable inquiry, Southern Tank admits the remaining allegations in Paragraph 7.

8.

Upon reasonable inquiry, Southern Tank admits the allegations in Paragraph 8 of the Complaint.

9.

Southern Tank denies the allegations in Paragraph 9 of the Complaint.

10.

Southern Tank is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint, and therefore denies same.

11.

Southern Tank denies the allegations in Paragraph 11 of the Complaint.

12.

Southern Tank denies the allegations in Paragraph 12 of the Complaint.

13.

Southern Tank denies the allegations in Paragraph 13 of the Complaint.

**COUNT I: NEGLIGENCE OF DEFENDANTS IN VIOLATION OF O.C.G.A. § 51-1-6
AND O.C.G.A. § 40-6-48**

14.

Southern Tank incorporates its responses to Paragraphs 1 through 13 of the Complaint as if fully set forth herein.

15.

Southern Tank denies the allegations in Paragraph 15 of the Complaint.

16.

Southern Tank denies the allegations in Paragraph 16 of the Complaint.

17.

Southern Tank admits the allegations in Paragraph 17 of the Complaint.

18.

Southern Tank denies the allegations in Paragraph 18 of the Complaint.

19.

Southern Tank denies the allegations in Paragraph 19 of the Complaint.

20.

Southern Tank denies the allegations in Paragraph 20 of the Complaint.

21.

Southern Tank denies the allegations in Paragraph 21 of the Complaint.

**COUNT II: BATTERY OF DEFENDANT WHEN HE COLLIDED INTO
NATHANIEL BEH'S VEHICLE PURSUANT TO O.C.G.A. § 51-1-13**

22.

Southern Tank incorporates its responses to Paragraphs 1 through 21 of the Complaint as if fully set forth herein.

23.

Southern Tank denies the allegations in Paragraph 23 of the Complaint.

24.

Southern Tank denies the allegations in Paragraph 24 of the Complaint.

25.

Southern Tank denies the allegations in Paragraph 25 of the Complaint.

26.

Southern Tank denies the allegations in Paragraph 26 of the Complaint.

COUNT III: CLAIM OF DAMAGES FOR PERSONAL INJURY

27.

Southern Tank incorporates its responses to Paragraphs 1 through 26 of the Complaint as if fully set forth herein.

28.

Southern Tank denies the allegations in Paragraph 28 of the Complaint.

29.

Southern Tank is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint, and therefore denies same.

30.

Southern Tank is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint, and therefore denies same.

31.

Southern Tank denies the allegations in Paragraph 31 of the Complaint.

32.

Southern Tank denies the allegations in Paragraph 32 of the Complaint.

33.

Paragraph 33 does not require a response from Southern Tank. To the extent a response is deemed necessary, Southern Tank denies that Plaintiff is entitled to the damages sought and further denies any liability to Plaintiff whatsoever.

COUNT IV: SPECIAL DAMAGES

34.

Southern Tank incorporates its responses to Paragraphs 1 through 33 of the Complaint as if fully set forth herein.

35.

Southern Tank denies the allegations in Paragraph 35 of the Complaint.

36.

Southern Tank denies the allegations in Paragraph 36 of the Complaint.

37.

Southern Tank denies the allegations in Paragraph 37 of the Complaint.

38.

Southern Tank denies the allegations in Paragraph 38 of the Complaint.

PRAYER FOR RELIEF

39.

Southern Tank incorporates its responses to Paragraphs 1 through 38 of the Complaint as if fully set forth herein.

40.

Southern Tank denies the allegations in Paragraph 40 of the Complaint.

41.

Southern Tank denies the allegations in Paragraph 41 of the Complaint.

42.

In response to the unnumbered “WHEREFORE” paragraph in the Complaint, Southern Tank denies that Plaintiff is entitled to the relief sought and further denies any liability to Plaintiff whatsoever.

43.

Southern Tank denies each and every other allegation which it has not expressly admitted herein.

WHEREFORE, Defendant SOUTHERN TANK TRANSPORT, INC. respectfully requests that the Court:

- (a) deny Plaintiff’s prayer for damages;
- (b) dismiss this action with prejudice and assess all costs against Plaintiff;

- (c) conduct a trial by a jury of twelve persons as to all issues properly triable by a jury; and
- (d) enter such other and further relief as is just and proper.

This 8th day of September, 2023.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Laura N. Gable

Stephen M. Schatz

Georgia Bar No. 628840

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STATE COURT OF
DEKALB COUNTY, GA.
9/8/2023 3:24 PM
E-FILED
BY: Kelly Johnson

CERTIFICATE OF SERVICE

This is to certify that I have this date electronically filed **DEFENDANT SOUTHERN TANK TRANSPORT, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT** with the Clerk of Court via the Odyssey e-filing system, which will automatically send notification to counsel of record as follows:

M. Cordele Rolle
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Norcross, GA 30093
cordele@cordelefirm.com
Attorney for Plaintiff

This 8th day of September, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

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